nor the right to have the body remain untouched and unmolested is an absolute right; but these rights must yield when they conflict with the public good, or where the demand of justice requires such subordination. The court said that the trial court, in proper cases of imperative necessity, has inherent power to order disinterment of a body in trials for murder to ascertain the truth respecting the homicide, in due administration of justice, at the instance of either the state or of the prisoner. The court said: "The power inheres in such court, or there is, in such a case as here presented, no such authority anywhere. It would, of course, be conceded that such a request ought not to be granted, either on application of the state or the defendant, lightly or inconsiderately; nor in any case unless such course was absolutely essential to the administration of justice. Every consideration of respect for the dead and a proper sense of regard for the court's authority and dignity would suggest that the pathetic dust of the deceased should remain undisturbed until called before the great Judge at the Final Assize, unless justice required a disinterment."

Statutes making it an offense to disinter a body without lawful authority do not apply to public examinations made by legally constituted authorities for the purpose of ascertaining whether crime has been committed in producing the death of the person whose body is exhumed, although some of the proceedings by the officer under whose directions the examination was made were irregular. People *v.* Fitzgerald, 105 N. Y. 146, 59 Am. Rep. 483; Harmer *v.* Broder, 78 Wis. 483.

But it is well settled that this right of exhumation is not an absolute right, but rests in the sound discretion of the court, and its refusal to make such order is, as a rule, not reviewable. Moss *v.* State, 152 Ala. 30, 44 So. 598; State *v.* Highland (W. Va.), 76 S. E. 140.

In conclusion, it must be borne in mind that the rule governing the courts in granting a motion of this nature should always be the rule of imperative necessity to meet the ends of justice to justify overriding the feelings of the friends and relatives of the deceased. The maxim "Requiescat in pace" should be regarded by the courts as engraven on every headpiece.

The great dramatist impressively speaks this tender emotion in the prayerful epitaph written by his own hand for his tombstone:

> "Good friend, for Jesus' sake forbear
> To dig the dust enclosed here;
> Blest be the man that spares these stones,
> And cursed be he that moves my bones."

Right of Executors to Secure Exhumation.—It has been held, however, that a court has no power to order the exhumation of a dead body in an action at law to which the widow of the deceased, who

has a right to control the body, is not a party. Mutual Life Ins. Co. *v.* Griesa, 156 Fed. 398.

Those Precocious Georgia Children.—It can not be said in Georgia, as a matter of law, that a child two years, ten months, and twenty days old, who was alleged to be "a precocious child, capable of and did run errands for petitioner; was strong and robust, with unusual physical powers for a child of his age; and did render and was capable of rendering services to petitioner that were at the time worth five dollars per month," etc., was so incapable of performing such valuable services that a defendant corporation would not be liable in damages for the death of such child, if it be shown on the trial of the case that the killing was tortious and not justified. And this is the reason the court gives: "It is within common knowledge that some children are more precocious than others, and can walk, talk, and develop their mental and physical powers at a much earlier age than others. The biographies of the great musicians and musical prodigies, as well as those of artists and scientists and others, are well known to many readers. It is said of Beethoven that he could play upon the piano at three years of age, and at twelve presided at the chapel organ, and at thirteen was a member of the orchestra at the court theater. Mozart, another of the world's greatest musicians, was being instructed in music at the age of three, 'and shared the harpsichord lessons of his sister, Maria, five years his senior,' and at the age of five had composed some simple pieces of music. Encyclopaedia Brittanica (Mozart). Robert Alexander Schumann was a composer at seven; and Louis Spohr could sing duets with his mother at four years of age and play the violin at five. Numerous instances will call themselves to mind where precocious children of tender years, in all the walks of life, have shown very early capacity for performing not only manual services, but rare mental efforts." James *v.* Central of Ga. Ry. Co., 138 Ga. 415, 418.

Legality of Burials.—Can a man be punished for failing to provide a Christian burial for his deceased infant child? In the recent case of Seaton *v.* Commonwealth, 149 Southwestern Reporter, 871, defendant was convicted on such a charge, and appeals to the Court of Appeals of Kentucky. A child of defendant's having died, he set about to bury it. Taking some pieces of rough board, he made a rude box to serve as a coffin. Although he had good lumber out of which he could have made a better and more presentable box, he said that he did not propose using his good lumber for this purpose. This box was taken to a point in a woods lot, and a grave was dug by two neighbors about two feet deep. Defendant brought the corpse from the house in a small paper box, to where the grave was being dug, placed it upon the ground, and assisted in digging the grave.